(1)

C.S. 1082 (3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No. 1598 /2004

PETITIONERS

Tulsi Ram Aditya, S/o. Late Shri Nakched Prasad Aditya, Aged about 27 years, President of Lakshamaneshwar Machhwa Samiti, R/o. Village Majhipara, Kharod, Tahsil Pamgarh, District Janjgir - Champa.

P.R. No. 1598/04
Presented by Shri L.T. Modi
dated 15-6-04

VERSUS

RESPONDENT

1. State of Chhattisgarh, Through its Secretary Department of Fisheries and Co-operative Societies, D.K.S Bhawan, Raipur (C.G.).
2. Additional Director, Matasya Udyog, District Janjgir-Champa (C.G.).
3. The Collector, District Janjgir-Champa (C.G.).
4. The Registrar, Co-operative Societies, District Janjgir-Champa (C.G.).
5. The Deputy Registrar, Co-operative Societies, District Janjgir-Champa (C.G.).

शपथ आयुक्त
बिलासपुर तहसील कोर्ट
15/6/04

RECEIVED-COPY
15/6/04
Clerk to A.G. Bilaspur

(2)

(9)

6. Mahamaya Machhwa Sahakari Samiti Maryadit Kharod, Tahsil Pamgarh, District Janjgir-Champa (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

DETAILS OF THE PETITION

(38)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. No. 1598/2004 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

23/07/2004

Shri Prashant Jayaswal with Shri Vinay Pandey, counsel for the petitioner.

Shri U.N.S. Deo, Govt. Advocate for the respondents No. 1 to 5/State.

Heard on I.A.No.4673/2004 for condonation of delay in paying the P.F.

For the reasons stated in the application, I.A.No.4673/2004 is allowed and delay is condoned.

The case of the petitioner is that the petitioner is the president of Lakshmaneshwar Machhwa Samiti workgroup of poor fishers of village Kharod, District Janjgir-Champa. The catching fishes from the ponds and rivers and selling them in the open market is only means of their livelihood, therefore, with the positive attitude to get proper recognition in the field of fishery business, on 19/08/2003 the petitioner along with other members of the Samiti made an application under Section 7 of the Madhya Pradesh Co-operative Societies Act, 1960 before respondent no.5 which is evident from Annexure P/1 and P/2. The respondent's department has received a sum of Rs.2,750/- for the same purpose. Even though the petitioner has complied with the provisions laid down under the Act, but it is an extent of arbitrary action taken by the authorities that the letter dated 12/01/2004 was forwarded to respondent no.2 indicating an inclination to register another society by name Mahamaya Machhwa Samiti i.e.,

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. 1598/04 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित (2)	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

respondent no.6. Then the petitioner has made a representation, but the same was turned down by respondent no.2 (Annexure P/5). Aggrieved by the impugned order, the petitioner has made a written complaint before respondent No.3 towards which a letter was written to Additional Registrar Co-operative Society to take appropriate action in the matter. Petitioner has also made a representation (Annexure P/7) to the Minister concerned on 26/08/2003 but the same was received on 04/09/2003, whereas application of respondent no.6 was received on 02/09/2003. Therefore, the action of respondents is arbitrary, capricious and irrational.

I have heard learned counsel for the petitioner as well as counsel for respondents No. 1 to 5.

Perusal of Annexure P/5 issued by the Deputy Collector reveals that the case of the petitioner cannot be considered for registration as petitioner/Society is not eligible for registration whereas the petitioner has mentioned that he has complied with the provisions laid down under the Act for registration of the Society and requested for quashment of the same in this writ petition.

Learned counsel for the petitioner argued that deliberately respondent authority is not registering the petitioner-Society in order to favour respondent no.6. However, respondent no.6 is registered as Society.

Having heard the learned counsel for the parties and having regard to the facts and circumstances of the case, respondent no.4

XI-HC-22

(40)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

WP.15981/04

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित (C3)	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

is directed to consider the case of the petitioner and decide his application in accordance with law within a period of 15 days from the date of receipt of this order. In the meantime, till the decision of that application the auction of the pond be kept in abeyance.

With the aforesaid observations and directions, this writ petition stands disposed of. Consequently, M.W.P.No.1756/2004 and I.A.No. 4577/2004 stand disposed of.

Certified copy as per rules

Sd/-
L.C. Bhadoo
Judge

[पीछे देखिये